

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

December 16 2002

**RESPONSIBLE STAFF:**

Jennifer Russel, Director  
Planning and Code Administration

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
X	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/18/02
	10/30/02
Hearing Date	11/4/02
Record Held Open	Closed
Policy Discussion	12/2/02

**TITLE:**

T-356—An Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance), Article I, Entitled, "In General," Section 24-1 Entitled, "Definitions," so as to Amend the Definition of "Hotel" and Differentiate Types of Said Use; and Further to Amend Article III, Entitled, "Regulations Applicable to Particular Zones," Division 12, Entitled, "C-2 Zone, General Commercial," Section 24-117, Entitled, "Uses Permitted By Right," Division 19, Entitled, "MXD Zone, Mixed Use Development," Section 24-160D.3, Entitled, "Uses Permitted," Division 20, Entitled, "H-M Zone, Hotel-Motel," Section 24-160E.2, Entitled, "Uses Allowed," so as to Differentiate Types of Hotel Uses Allowed and Prohibited.

**SUPPORTING BACKGROUND:**

During policy discussion on December 2, 2002 several points regarding the proposed ordinance were brought to the Council's attention. Staff has consulted with experts in the hotel industry who assisted in the development of the text and concluded that only one minor change is needed to the text of the proposal. The definition of full service hotel would not discourage any hoteliers from locating in Gaithersburg, given that a variety of other factors contribute. Per industry language, the presence of kitchen appliances in a hotel room is not defined as an entire kitchen.

A slight modification was made to the definition of limited service hotel to address the issue of breakfast. Additionally, it was felt that the proposed definition of extended stay hotel very clearly distinguishes it from other hotels in a more than adequate fashion and the definition does refer to a "majority" of residents being longer staying guests. When drafting the ordinance originally, we were certainly aware of the outmoded nature of the term motel, however the City Attorney preferred to keep the term in the ordinance with modifications. We believe the definition of motel in its revised form is harmless and discernible from the array of definitions currently used in the industry.

The attached text of the ordinance has been modified.

**DESIRED OUTCOME:**

. Ordinance is ready for adoption.

Ordinance No. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE I, ENTITLED, "IN GENERAL," §24-1 ENTITLED, "DEFINITIONS," SO AS TO AMEND THE DEFINITION OF "HOTEL" AND DIFFERENTIATE TYPES OF SAID USE AND FURTHER TO AMEND ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 12, ENTITLED, "C-2 ZONE, GENERAL COMMERCIAL," §24-117 ENTITLED, "USES PERMITTED BY RIGHT," DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT," §24-160D.3 ENTITLED, "USES PERMITTED," DIVISION 20, ENTITLED, "H-M ZONE, HOTEL-MOTEL," §24-160E.2 ENTITLED, "USES ALLOWED," SO AS TO DIFFERENTIATE TYPES OF HOTEL USES ALLOWED AND PROHIBITED.

**Text Amendment T-356**

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24; Article I, §24-1; and Article III, §24-117, §24-160D.3 and §24-160E.2 of the City Code are hereby amended as follows:

**ARTICLE I. IN GENERAL**

**Sec. 24-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

\* \* \* \* \*

*[Hotel.* Any building containing ten (10) or more guest rooms where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or hotel-apartment as defined herein.]

*[Hotel-apartment.* Any building or portion thereof designed for or containing both guest rooms for transient guests and dwelling units.]

*Hotel, Full service.* A building or group of buildings where for compensation ten (10) or more guest units are provided with sleeping accommodation and daily maid service for transient visitors. Full service hotels provide a public dining room and room service and may contain meeting rooms, retail shops, business centers and recreational facilities. A full service hotel is not an extended stay hotel, motel, inn, bed and breakfast dormitory, fraternity or sorority house or rooming house or boarding house.

Hotel, limited service. A hotel offering room accommodations with limited amenities **which may include breakfast** ~~including continental breakfast in lieu of a full breakfast~~ and limited congregate meeting space supported by ~~less~~ **fewer** employees than a full service facility. Individual rooms would not have kitchens or kitchenettes.

Hotel, Extended stay. A building or group of buildings containing ten (10) or more guests units where for compensation a majority of the guest units are intended to be used or hired for use by long term transient guests wherein the units contain sleeping and living accommodations including an equipped kitchen or kitchenette. Extended stay hotels may provide a public dining room or common breakfast room area or other public areas which are open and available to persons who are not guests of the establishment. Long-term transient guests are defined as guests whose stays are for a period of one continuous week or longer. An extended stay hotel is not a full service hotel, motel, inn or bed and breakfast, dormitory or rooming house or boarding house.

Motel. Any group of guest rooms, combined or separated, used for the purpose of housing short-term transient guests, each unit of which is provided with its own toilet and washroom facilities, but do not include kitchen or kitchenette facilities or equipment in the guest units.

\* \* \* \* \*

### ARTICLE III. REGULATION APPLICABLE TO PARTICULAR ZONES

\* \* \* \* \*

#### DIVISION 12-C.2 ZONE. GENERAL COMMERCIAL

\* \* \* \* \*

#### Sec. 24-117. Uses permitted by right.

The following uses are permitted by right in the C-2 Zone:

\* \* \* \* \*

(10) [Hotels and] motels

\* \* \* \* \*

(28) Hotel, full service

(29) Hotel, limited service

(30) Hotel, extended stay

\* \* \* \* \*

DIVISION 19. MXD ZONE. MIXED USE DEVELOPMENT

\* \* \* \*

Sec. 24-160D.3. Uses permitted.

\* \* \* \*

(b) *Commercial/employment/industrials.* All uses allowed by right in the R-B, C-B, C-1, C-2, C-3, E-1 and I-3 Zones are permitted uses. All uses allowed by special exception in the R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones shall be special exception uses in the MXD Zone and subject to approval by the City Board of Appeals. Designation of a use as a special exception in any of the zones listed herein shall mean the use is a special exception in the MXD Zone, notwithstanding the fact that such use may be allowed as a permitted use in any other zone referred to in this subsection (b). The following uses are specifically prohibited:

\* \* \* \*

Hotel, extended stay

\* \* \* \*

DIVISION 20. H-M ZONE, HOTEL-MOTEL

\* \* \* \*

Sec. 24-160E.2. Uses allowed.

(a) The following uses are permitted in this zone:

\* \* \* \*

[Hotels and] motels  
Hotels, full service  
Hotel, limited service  
Hotel, extended stay

\* \* \* \*

(b) \* \* \* \*

ADOPTED by the City Council of Gaithersburg, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this \_\_\_\_\_ day of \_\_\_\_\_, 2002. APPROVED/VETOED by the Mayor of the City of Gaithersburg, Maryland this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, and the same was APPROVED/VETOED by the Mayor of the City of Gaithersburg on the \_\_\_\_\_ day of \_\_\_\_\_, 2002. This Ordinance will become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
DAVID B. HUMPTON, City Manager